

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-SW-47-AD]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model EC 155B and EC 155B1 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters. This proposal would require inspecting the chamfer of the stop on the cabin sliding doors (doors) and installing an airworthy stop if the chamfer exceeds a certain length; and prior to each flight, visually checking the door to determine if it is correctly locked in the open position before flying with the doors open, and checking the locking indicator light and the position of the door handles before flying with the doors closed. This document also proposes to revise the Limitations Section of the Rotorcraft Flight Manual (RFM) prohibiting the opening or closing of a cabin sliding door at airspeeds of 40 or greater knots indicated airspeed (KIAS). This proposal is prompted by a report of a door separating from a helicopter during flight. The actions specified by this proposed AD are intended to prevent separation of a door during flight and damage to the helicopter, resulting in a forced landing or loss of control of the helicopter.

**DATES:** Comments must be received on or before October 18, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003-SW-

47-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov). Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5116, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2003-SW-47-AD." The postcard will be date stamped and returned to the commenter.

##### Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Model EC 155B and EC 155B1 helicopters. The DGAC advises that they

have issued an AD following the loss in flight of a cabin sliding door.

Eurocopter issued Alert Service Bulletin No. 52A015, dated September 8, 2003, which specified a modification (MOD 0753C48) to the micro switch support, and an adjustment to the micro switch to ensure lighting of the instrument panel "DOORS" light in the event of insufficient engagement of the cabin sliding door locking pin in its catch. The FAA did not mandate compliance with this alert service bulletin.

Eurocopter has also issued Alert Telex No. 52A013, Revision 1, dated September 24, 2003, which specifies:

- Within the next 50 hours time-in-service (TIS), inspecting the length of the chamfer on the stop of the lower rail aft fitting of the cabin sliding doors;
  - Prior to flight with a cabin sliding door open, visually checking that the door is correctly locked in the open position;
  - Prior to flight with a cabin sliding door closed, checking that the locking indicator light on the instrument panel is off when the door is closed, and when locking the door, checking that the door handle is in the closed position; and
  - While in flight, prohibiting the opening or closing of a cabin sliding door at airspeeds of 40 or greater KIAS.
- The DGAC classified this alert telex as mandatory and issued AD No. F-2003-345 R1, dated November 12, 2003, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

The previously described unsafe condition is likely to exist or develop on other helicopters of the same type designs registered in the United States. Therefore, the proposed AD would require:

- Before further flight, revising the Limitations Section of the RFM to

prohibit opening or closing the cabin doors except at speeds of less than 40 KIAS.

- Within the next 50 hours TIS, inspecting the chamfer of the stop of the lower rail aft fitting of the doors, and if the chamfer is greater than 2mm in length, installing an airworthy stop;

- Prior to each flight with a door open, visually checking that the door is correctly locked in the open position; and

- Prior to flight with a door closed, checking that the locking indicator light on the instrument panel is "off" when the door is closed, that the door handles are in the correct closed position when the door is locked, and that the lower locking pin is correctly positioned in its catch. These closed-door checks are required until a chamfer that is 2mm or less in length is installed and, in accordance with MOD 0753C48, the mounting support plates are modified and the door micro-switches are adjusted.

The actions would be required to be accomplished in accordance with the alert telex described previously. The proposed AD would be an interim action until modified parts are developed. Additionally, if a door is opened or closed during flight, in accordance with the limitations of the RFM, the FAA anticipates that the appropriate crewmembers will assure that the door is properly secured.

The owner/operator (pilot) holding at least a private pilot certificate may perform the visual checks required by paragraphs (c) and (d) of this proposed AD and must enter compliance with those paragraphs into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). This proposed AD allows a pilot to perform these checks because they involve only visual checks to ensure that the cabin sliding doors are correctly locked in the open or closed position, and can be performed equally well by a pilot or a mechanic.

The FAA estimates that this proposed AD would affect 3 helicopters of U.S. registry and the proposed actions would take approximately 1 minute for each check on each helicopter, 2 work hours per helicopter to install 2 new stops, and 2 work hours to modify each helicopter in accordance with MOD 0753C48, at an average labor rate of \$65 per work hour. Required parts would cost approximately \$1,125 (\$375 per helicopter). Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be \$3,855 for the entire fleet, assuming 600 checks per helicopter, two stops are

replaced on each helicopter, each helicopter is modified in accordance with MOD 0753C48, and the time to make the one-time revision to the RFM would be negligible.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft economic evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption

#### ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Eurocopter France:** Docket No. 2003-SW-47-AD.

**Applicability:** Model EC 155B and EC 155B1 helicopters with cabin sliding doors, part number (P/N) 365A82-1064-02 (left-hand door) and P/N 365A82-1064-03 (right-hand door) and stop, P/N 365A25-8085-21, installed, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent separation of a door during flight and damage to the helicopter, resulting

in a forced landing or loss of control of the helicopter, accomplish the following:

(a) Before further flight, revise the Limitations Section of the Rotorcraft Flight Manual (RFM) permitting the opening or closing of the cabin sliding doors only at speeds of less than 40 knots indicated airspeed.

(b) Within 50 hours time-in-service, inspect the length of the chamfer on the stop of the lower rail aft fitting on each cabin sliding door (door), and if the chamfer is more than 2mm in length, install an airworthy stop in accordance with paragraph 2.B., Operational Procedure, of Eurocopter Alert Telex No. 52A013, Revision 1, dated September 24, 2003.

**Note 1:** The inspection required by paragraph (b) of this AD has already been accomplished for all Model EC 155B1 helicopters prior to delivery.

(c) Before each flight with a door open, check that each open door is locked in the "open" position with the upper roller in its rail and the door open locking latch engaged.

(d) Before each flight with a door closed, check that:

(1) The locking indicator light on the instrument panel is "off,"

(2) The door handle is in the correct "closed" position, and

(3) The lower locking pin is positioned in its catch.

**Note 2:** If the door is correctly closed and latched, when viewed from the outside, the door handle will be flush with the profile of the housing and the aft lower corner of the door will be flush with the profile of the fuselage; when viewed from the inside, the door handle will be positioned opposite the locking indicator with no gap between the structure seal and the aft lower sealing surface of the door.

**Note 3:** If the door is closed and the lower locking pin is outside its catch, when viewed from the outside, the aft lower corner of the door is approximately 15 to 20mm from the fuselage; when viewed from the inside, the aft lower corner of the door is approximately 10 to 15mm from the fuselage.

(e) An owner/operator (pilot) holding at least a private pilot certificate may perform the visual checks required by paragraphs (c) and (d) of this AD and must enter compliance with those paragraphs into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v).

(f) After the stops of the lower rail aft fitting with a chamfer 2mm or less in length are installed and in accordance with MOD 0753C48, the mounting plate supports are modified and the door micro-switches are adjusted, the checks required by paragraph (d) of this AD are no longer required.

(g) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. F-2003-345-R1, dated November 12, 2003.

Issued in Fort Worth, Texas, on August 6, 2004.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 04-18999 Filed 8-18-04; 8:45 am]

**BILLING CODE 4910-13-P**

## **AGENCY FOR INTERNATIONAL DEVELOPMENT**

### **22 CFR Part 211**

[A.I.D. Reg 11]

RIN 0412-AA54

#### **Transfer of Food Commodities for Use in Disaster Relief, Economic Development and Other Assistance**

**AGENCY:** Agency for International Development.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The USAID Office of Food for Peace proposes to amend and update 22 CFR part 211, the primary regulatory document governing the transfer of commodities to non-governmental organizations under Title II of the Agricultural Trade Development and Assistance Act of 1954. The purpose of rewriting this regulation is to bring the rule in line with legislative changes made in both the 1996 and 2002 Farm Bills, (Farm Security and Rural Investment Act of 2002, and Federal Agriculture Improvement and Reform Act of 1996), as well as to update the overall financial and programmatic procedural and reporting requirements. Changes are expected to update and clarify standard operating procedures, resulting in more efficient and streamlined management of Title II programs.

**DATES:** Submit comments on or before September 18, 2004.

**ADDRESSES:** Mail or hand deliver comments to Lisa Witte, USAID/DCHA/FFP, 1300 Pennsylvania Avenue, NW., Rm. 7.06-102; Washington, DC 20523. Telephone: (202) 712-5162. Submit electronic comments and other relevant data to [reg11@usaid.gov](mailto:reg11@usaid.gov).

**FOR FURTHER INFORMATION CONTACT:** Lisa Witte, (202) 712-5162.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access and Filing**

You may submit comments and data by sending electronic mail (e-mail) to: [reg11@usaid.gov](mailto:reg11@usaid.gov). Submit comments as a Word file avoiding the use of special characters and any form of encryption.

#### **Background**

Title II of Pub. L. 480, as amended authorizes appropriation of resources intended to combat hunger and malnutrition through support to activities that raise the level of availability, access and utilization of food in recipient countries. Title II programs are the responsibility of the United States Agency for International Development Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Food for Peace.

22 CFR part 211 is the primary regulatory document governing the transfer of commodities to non-governmental organization (NGO) programs. The document is out of date as it was last revised in 1992 following the 1990 Farm Bill. Thus, a re-written regulation with up to date guidance reflecting the significant legislative changes that have occurred (1996 and 2002 Farm Bills) and revised financial and programmatic reporting requirements is necessary. This effort will be a tremendous benefit to the overall management of Title II programs.

For the reasons discussed in the preamble, examples of what USAID proposes to amend in 22 CFR part 211 are as follows:

1. Revise the overall organization of 22 CFR part 211 in accordance with all **Federal Register** publication requirements and Office of the Federal Register document drafting resources.
2. Update legislative regulatory references and references to agency policy and program guidelines.
3. Update and clarify definitions of and references to FFP/W, Missions, USAID, diplomatic posts, M/OP/TRANS, M/FM, USDA/Washington and Kansas City. Ensure references to these entities are used consistently throughout the regulation in terms of roles, decision-making and re-delegations of authority. Update existing definitions as well as new conceptual terms in accordance with Food for Peace's new strategic plan, policy and legislation.
4. Update program application process, program procedures, closeout and disposition guidance, and terminology used throughout the regulation. Ensure consistency with 22 CFR part 226 and OMB Circular A-110.
5. Update deposit and account information.
6. Update commodity and shipping procedures as well as the ocean carrier loss and damage section.
7. Revise language on displacement of sales to be written in the context of usual marketing requirements (UMR) as promulgated by USDA.

8. Revise commodity transfer language in § 211.5(o) in accordance with Development Assistance Program (DAP) guidance.

9. Revise to increase dollar thresholds throughout regulation to reflect more appropriate levels of USAID mission and PVO responsibility, considering use of blanket waivers in lieu of thresholds where suitable.

10. Clarify the use of collected claims proceed types in § 211.9: monetized commodity, program income and commodity loss; clarify where to deposit claims proceeds; revise thresholds. Clarify the differences in (a) marine claims/losses, and (b) inland and/or third party losses.

This request for comments provides a summary description of possible changes and is not limited to the foregoing. USAID/DCHA/FFP also seeks comments and/or suggestions concerning other issues that may affect the implementation of the Transfer of Food Commodities under Title II of Pub. L. 480 and whether FFP's regulations should be amended or modified in light of such issues.

#### **List of Subjects in 22 CFR Part 211**

Agricultural commodities, Disaster assistance, Food assistance programs, Foreign aid, Non-profit organizations, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 1726a(c).

Dated: August 13, 2004.

**Lauren Landis,**

*Office Director for the Office of Food for Peace, Bureau of Democracy, Conflict and Humanitarian Assistance, United States Agency for International Development.*

[FR Doc. 04-19007 Filed 8-18-04; 8:45 am]

**BILLING CODE 6116-01-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[RME Docket Number R08-OAR-2004-UT-0002; FRL-7791-8]

#### **Approval and Promulgation of Air Quality Implementation Plans; Utah; Revisions to New Source Review Rules**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to take direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Utah on November 9, 2001, and September 16, 2003. The revisions incorporate new